

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LEO LUNA

Plaintiff,

v.

MASSEY SERVICES, INC.,

Defendant.

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Civil Action No. 4:21-CV-00014
Judge Mazzant

ORDER

Pending before the Court is Defendant Massey Services, Inc.'s Motion for Summary Judgment (Dkt. #12). Having considered the motion and the relevant pleadings, the Court finds that the motion should be granted.

On October 15, 2021, Defendant filed its motion for summary judgment (Dkt. #12). On November 12, 2021, Plaintiff filed his response, titled "Plaintiff's Statement of Non-Opposition to Defendant's Motion for Summary Judgment" (Dkt. #15). More specifically, in the response, Plaintiff stated: "Plaintiff abandons his claim under § 227(b) of the TCPA, which is the only count in his Complaint . . . Plaintiff does not contest that Defendant has presented sufficient evidence to defeat Plaintiff's TCPA claim. Plaintiff therefore abandons his claim set forth in his Complaint" (Dkt. #15 at p. 4). Accordingly, the Court finds that Defendant's motion should be granted.

It is therefore **ORDERED** that Defendant's Motion for Summary Judgment (Dkt. #12) is hereby **GRANTED**, and Plaintiff's claims are dismissed with prejudice.

IT IS SO ORDERED.

SIGNED this 9th day of February, 2022.


AMOS L. MAZZANT

UNITED STATES DISTRICT JUDGE